

DOCKET NO.: 2300.0202

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re patent application of:

James I. Bell, et al.

Serial No.: 08/837,009

Group No.: 1804

Filed: April 11, 1997

Examiner: Not Yet Assigned

For: PREPRO INSULIN-LIKE GROWTH FACTORS I AND II

I, Francis A. Paintin, Registration No. 19,386 certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

On October 2, 1997

Francis A. Paintin Reg. No. 19,386

Box Missing Parts
Assistant Commissioner for Patents
Washington DC 20231

Sir:

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

In response to the "Notice to File Missing Parts of Application--Filing Date Granted" dated September 25, 1997, a response to which is due November 25, 1997, please note that while the Serial Number that appears on the Notice to File Missing Parts is correct, the filing date and first named applicant is incorrect.

The correct filing date, as evidenced by a copy of the date-stamped return post card, is April 11, 1997 (a copy of same is attached hereto). The subject application was filed by Express Mail Post Office and therefore is entitled to its mailing date of April 11, 1997 under 37 CFR §1.10.

08837009-041197



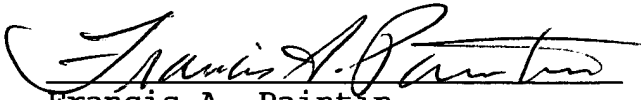
The correct first named applicant is **Graeme I. Bell**.
Dr. Bell's executed Declaration form was filed along with the
application on April 11, 1997, along with the executed
Declaration form of Dr. Merryweather.

Applicants respectfully request that the filing date
and first named application be corrected. Enclosed herewith for
filing is:

- (XX) The original Combined Declaration and Power of Attorney, executed by second named inventor **Leslie B. Rall**. An unexecuted copy of this document, attached to the above-identified specification, was filed by Express Mail No. **EM347374321US** on **April 11, 1997**.
- (XX) An Associate Power of Attorney is also enclosed.
- () Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a Verified Statement previously submitted on _____.
- () The original executed Verified Statement Claiming Small Entity Status Under 37 CFR 1.9 and 1.27 is filed herewith.
- () A Verified Statement Claiming Small Entity Status Under 37 CFR 1.9 and 1.27 has been forwarded to the Refund Section, Accounting Division, Office of Finance on _____. A copy of this Verified Statement Claiming Small Entity Status form and the Request for Refund form is enclosed for your convenience.
- (XX) A check in the amount of \$ 130 is attached to cover the surcharge. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- () Please charge the surcharge to my Deposit Account No. 23-3050 in the amount of \$____.

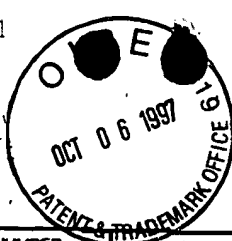
This sheet is attached in triplicate.

Date: October 2, 1997


Francis A. Paintin
Registration No. 19,386

WOODCOCK WASHBURN KURTZ
MACKIEWICZ & NORRIS LLP
One Liberty Place - 46th Floor
Philadelphia, PA 19103
(215) 568-3100

SEP 1997
Received
Chiron Corporation
Intellectual Property



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
08/837,009	04/14/97	VAN DEN BERG	Bill, Rall, Montgomery K

0222/0925

JOSEPH A GUTH
CHIRON CORPORATION
LAW DEPARTMENT
4560 HORTON STREET
EMERYVILLE CA 94608-2916

NOT ASSIGNED

1804

DATE MAILED:

09/25/97

NOTICE TO FILE MISSING PARTS OF APPLICATION

Filing Date Granted

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted **ALONG WITH THE PAYMENT OF A SURCHARGE** for items 1 and 3-6 only of \$ 130.00 for a ☒ large entity ☐ small entity in compliance with 37 CFR 1.27. The surcharge is set forth in 37 CFR 1.16(a). Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay any fees required above to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.138(a).

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ large entity ☐ small entity (verified statement filed), is \$ 130.00.

☐ 1. The statutory basic filing fee is:

- ☐ missing.
☐ insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a verified small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required. Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☐ 3. The oath or declaration:

- ☐ is missing.
☐ does not cover the newly submitted items.
☐ does not identify the application to which it applies.
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are:

- ☐ missing.
☐ by a person other than inventor or person qualified under 37 CFR 1.42, 1.43, or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☒ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

Leslie B. Rall

An oath or declaration listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$ _____ processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

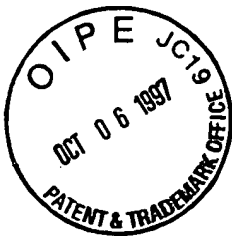
☐ 9. OTHER:

Direct the response and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice **MUST** be returned with the response.

Carmenita Robin
Customer Service Center

DOCKETED on 9/30/97 om
Att. JRG



RECEIVED BY THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Paper: Reissue Application Transmittal Letter (in trip.
W/Express Mail Label #EM347374321US); Specification,
Claims and Abstract for reissue of US Patent No.5,405,942
issued 4/11/95; Executed Declaration and Power of
Attorneys for G.I. Bell and J.P. Merryweather; Preliminary
Amendment (pp.1-6); Offer to Surrender Original Letters
Patent along with Consent of Assignee & Certificate under
37 CFR Sect.3.73(b); Copy of Assignment Form; Original
Letters Patent; Deposit Account Order Form; Check in the
amount of \$1188.

Applicant(s): Bell et al.
Serial No.: Not Yet Assigned
Filed: Herewith
Docket No.: CHIR-0054
Date Sent: April 10, 1997
FAP/jsj

71477 U.S. PTO

08837009



04/11/97

WOODCOCK, WASHBURN
KURTZ MACKIEWICZ & NORRIS



WOODCOCK WASHBURN KURTZ MACKIEWICZ & NORRIS

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Customs forms and commercial invoice may be required. See Pub. 273 and International Mail Manual.	Mo <u>11</u> Day <u>11</u> Hr <u>51</u>	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM
	Time <u>11</u>	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day
	Weight <u>11</u> lbs <u>02</u> oz	Int'l Alpha Country Code
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday <input type="checkbox"/>	Acceptance Clerk Initials <u>DH</u>	Total Postage & Fees <u>15.00</u>

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☐ **WAIVER OF SIGNATURE** (Domestic Only): I wish delivery to be made without obtaining the signature of the addressee or the addressee's agent (if in the judgment of the delivery employee, the article can be left in a secure location) and I authorize the delivery employee to sign that the shipment was delivered and understand that the signature of the delivery employee will constitute valid proof of delivery.

NO DELIVERY

☐ WEEKEND ☐ HOLIDAY

Customer Signature

Francis A. Paintin 215 563 3100
WOODCOCK WASHINGTON & KURTZ
1 LIBERTY PL FL 46
PHILADELPHIA PA 19103-7301

TO: PLEASE PRINT
**ASSISTANT COMMISSIONER FOR
PATENTS
WASHINGTON, DC 20231**

